



HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10972005-2

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): John M. Brown, et al.

Confirmation No.: 2999

Application No.: 10/657,946

Examiner: TBA

Filing Date: September 9, 2003

Group Art Unit: TBA

Title: System and Method For Assessing Performance Optimizations In A Graphics System

Mail Stop Petition
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137 (b)**

1. This application became abandoned on August 15, 2005.
2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.
3. Response or action required:
☒ has been filed on 01-27-2004.
☐ is enclosed herewith.
☐ the response is the filing of a Continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application copending with this application.
4. Terminal disclaimer 37 CFR 1.137 (c):
☒ Since this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.
☐ A terminal disclaimer and disclaimer fee of \$130.00 disclaiming a period of equivalent to the period for abandonment is enclosed herewith.

Charge \$1,500.00 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

☐ A duplicate copy of this transmittal letter is enclosed.

☐ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Alexandria, VA 22313-1450
Date of Deposit:

OR

☐ I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571)273-8300.

Date of facsimile:

Typed Name:

Signature:

01/16/2007 HMARZ11 00000041 002025 10657946

Rev 10/06a (AbdunInten)

01 FC:1453

1500.00 DA

Respectfully submitted,

John M. Brown, et al.

By

Michael G. Verga, Esq.

Attorney/Agent for Applicant(s)

Reg No. : 39,410

Date : January 11, 2007

Telephone : (703) 591-2664

01/16/2007 HMARZ11 00000041 002025 10657946

01 FC:1453

1500.00 DA

DAC

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/657,946
Applicant : BROWN, ET AL.
Filed : SEPTEMBER 9, 2003
Title : SYSTEM AND METHOD FOR ASSESSING PERFORMANCE
OPTIMIZATIONS IN A GRAPHICS SYSTEM

Art Unit : TO BE ASSIGNED
Examiner : TO BE ASSIGNED

Atty Docket No. : 10972005-2

Mail Stop Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER TO OFFICE OF PETITIONS

Sir:

A brief history of the events in this matter to facilitate your review:

- o A Notice to File Missing Parts of Nonprovisional Application was originally mailed on December 1, 2003 (Attachment A).
- o On January 27, 2004, a Transmittal Letter For Submittal of Missing Parts and an executed Declaration were filed with the USPTO via facsimile. The PTO Auto-Reply confirmed receipt. (Attachment B).
- o On November 5, 2004, a Second Notice to File Missing Parts of Nonprovisional Application was mailed from the USPTO (Attachment C).
- o Between November 5, 2005 and November 29, 2005, a phone conversation between Ms. Marci Santillanes of Hewlett-Packard and Ms. Robinson of the Office of Initial Patent Examination occurred. In that conversation Ms. Robinson of the PTO requested that the filed papers be sent directly to her for processing.
- o In accordance with Ms. Robinson's instructions, a second Transmittal Letter For Submittal of Missing Parts and an executed Declaration were faxed directly to Ms. Robinson on November 29, 2004. Receipt of this transmission is evidenced by the facsimile machine printout indicating that nine (9) pages were sent to 703-308-7749. (Attachment D).
- o A Notice of Abandonment was then mailed on August 15, 2005 (Attachment E).

Our Request

Based on the timely filing of the Response to the Notice to File Missing Parts of Nonprovisional Application on January 27, 2004, and the proper resubmission on November 29, 2004, Applicants hereby submit a Petition to Revive of an Application For Patent Abandoned Unintentionally; and a Request For Refund.

The Commissioner is hereby authorized to charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally, please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive,

**RECEIVED**

AUG 18 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

HP LEGAL
IPAUNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1459
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/657,946	09/09/2003	John M. Brown	10972005-2

CONFIRMATION NO. 2999 ✓
**ABANDONMENT/TERMINATION
 LETTER**

HEWLETT-PACKARD COMPANY
 Intellectual Property Administration
 P. O. Box 272400
 Fort Collins, CO 80527-2400

Date Mailed: 08/15/2005 ✓

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 11/05/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37

CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

A copy of this notice MUST be returned with the reply.

11/15/02
Office of Initial Patent Examination (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Notice of Abandonment

This application is abandoned in view of applicant's failure to timely file a proper reply to the Office notice mailed on 11/15/04.

Petition to Withdraw the Holding of Abandonment

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within **2 months** from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be transmitted by facsimile directly to OIPE Customer Service at (703) 308-7751.

Petition to Revive an Abandoned Application

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by:

1. an adequate showing of the cause of unavoidable delay;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(i); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by:

1. a statement that the entire delay was unintentional;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(m); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to Office of Petitions at (703) 305-9282.

Any questions regarding this notice should be directed to OIPE Customer Service at (703) 308-1202.

Customer Service Center

Initial Patent Examination Division (703) 308-1202